IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21058 of 2004

Between:

K. Kambagiri Ramudu, S/o. K. Rajaiah,
Boinachervupalli Village, Peapully Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisonal Officer, Kurnool.
3 The Mandal Revenue Officer, Peapullty, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings Rc.B878/2004, dt. 22.9.2004 as illegal arbitrary, and violative of principles of natural justice and also against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent..

Counsel for the Petitioner:KUM B.G.UMA DEVI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through order, dated 22.09.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent on 28.10.2004, along with an application for interim orders. The 1st respondent is said to have refused to grant stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner availed the remedy of appeal, aggrieved by the order of the 2nd respondent suspending his authorization. Petitioner states that the 1st respondent rejected the application for stay, and that the copy thereof, has not been issued so far. Though the copy of the order passed by the 1st respondent is not placed before this Court, the record of this case discloses that the 2nd respondent has been considering initiation of proceedings against the petitioner even from July 2004, and passed the order of suspension two months thereafter. During this period, he did not choose to issue any notice to the petitioner or to ascertain the facts from him. The allegations are not so serious as to warrant suspension forthwith.

In that view of the matter, the order of suspension passed against the petitioner is stayed, till the disposal of the appeal by the 1st respondent, to enable the petitioner to function as fair price shop dealer.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Dated : 16th December, 2004

Ts

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisonal Officer, Kurnool.
3 The Mandal Revenue Officer, Peapullty, Kurnool District.

4 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

5 2 CD copies